

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 03/07/25 TIME: 1:30 P.M. DEPT: E CASE NO: CV2104266

PRESIDING: HON. ANDREW SWEET

REPORTER:

CLERK: G. STRATFORD

PLAINTIFF: MAKTAB TARIGHAT
OVEYSSI SHAHMAGHSOUDI

vs.

DEFENDANT: NAPA VALLEY
MEMORIAL PARK, ET AL

NATURE OF PROCEEDINGS: MOTION – DISCOVERY; DISCOVERY FACILITATOR PROGRAM

RULING

Defendants’ motion to compel further responses is granted in part. Plaintiff is compelled to provide further responses to Interrogatory Nos. 22-35 without the four objections asserted for the first time in its amended responses dated February 10, 2025, as those objections have been waived. With respect to Interrogatory Nos. 22, 25 and 28-35, Plaintiff is compelled to provide further substantive responses as discussed more fully below. Plaintiff’s further responses must be served on Defendants within 10 days of the hearing. Defendants’ request for sanctions in the amount of \$9,285 is granted. Plaintiff’s request for sanctions is denied.

Procedural Background

Plaintiffs Maktab Tarighat Oveyssi Shahmaghsoudi (“MTO”) and Nader Angha filed their Complaint against Napa Valley Memorial Park, International Association of Sufism (“IAS”), Ali Kianfar (“Kianfar”) and Nahid Angha (“Nahid”) on December 23, 2021.¹ On August 9, 2024, Plaintiffs filed a motion for leave to file a First Amended Complaint. The proposed First Amended Complaint sought to clarify Plaintiffs’ position as to the current location of the Former Leader’s remains, and also sought to assert a number of new factual allegations against Defendants.

On August 20, 2024, Plaintiff Nader Angha was dismissed as a party in this action, leaving MTO as the only plaintiff.

¹ On November 10, 2022, the Court entered an Order dismissing Napa Valley Memorial Park and substituting Welcome Home Universal Church, dba Napa Valley Memorial Park (“Napa Valley”) as Doe 1 and Skyview Memorial Lawn (“Skyview”) as Doe 2.

On October 16, 2025, the Court entered an Order adopting its October 11th tentative ruling granting MTO's motion for leave to file the First Amended Complaint, conditional on MTO removing the Sixth Cause of Action for negligent misrepresentation and the Seventh Cause of Action for negligence. The Court found that the First Amended Complaint did not introduce any new facts or theories that would delay the trial, but agreed with Defendants that they should be able to conduct discovery on MTO's new factual allegations. The Court's Order stated:

The allegations Defendants cite to as new and prejudicial (e.g. that Defendants tried to “dishonor and destroy” Sadegh's name or tarnish his memory by placing the memorial marker at Napa Valley, that Defendants acted to benefit themselves, that the marker sits on an occupied grave belonging to an unknown person, and that MTO students relied on the existence of the marker) are not so new or different so as to make their inclusion prejudicial at this time, and are generally consistent with the theory of liability Plaintiff has chosen to pursue. If Defendants have not already taken the deposition of a representative of Plaintiff, they can ask about these issues at the deposition when scheduled. If they have already taken this deposition, Defendants are granted leave to take a further deposition on the “new” factual allegations. Defendants are also granted leave to propound written discovery on these new allegations only.

(Order dated Oct. 16, 2024; see Code Civ. Proc. § 473(a) [“The court may, in furtherance of justice, and on any terms as may be proper, allow a party to amend any pleading”] [emphasis in original].)

Motion to Compel Responses to Special Interrogatories

Defendant's Interrogatories and MTO's Responses

On October 14, 2024, Defendant IAS served a set of 14 special interrogatories (Nos. 22-35) by email on MTO. (Declaration of John Dahlberg (“Dahlberg Decl.”), ¶5 and Exh. 5.) In MTO's original responses, MTO refused to provide any substantive response to any of the 14 interrogatories, instead objecting on the grounds that the interrogatories violate privacy and First Amendment rights and are ambiguous, oppressive, burdensome, overbroad, and not relevant, among other things.

On January 2, 2025, Defendants filed a motion to compel further responses to all fourteen interrogatories.

In MTO's Opposition filed on January 21, 2025, MTO stated that it had served amended responses on January 8, 2025. (Declaration of Elizabeth Zareh, ¶17 and Exh. K.) In these amended responses, MTO asserted the same objections and also contended that the interrogatories did not actually seek information about any “new” factual allegations as permitted by the Court's Order, as the information requested pertained to allegations made by Plaintiffs before the filing of the First Amended Complaint and Defendants had already conducted discovery on these allegations.

MTO filed an “update” to its Opposition on February 24, 2025, in which it stated that it served a second set of amended responses on February 10, 2025. These amended responses again assert objections and state that the interrogatories do not seek information about “new” allegations as

permitted by the Court's Order. MTO does include a statement in these responses that it performed a diligent search and reasonable inquiry, and provides some substantive information.

Timeliness of MTO's Original Responses

Defendants argue that MTO's original responses were untimely and thus all objections were waived. They state the interrogatories were served on MTO's counsel by email on Tuesday, October 14, 2024, and MTO did not serve responses until November 18, 2024. (Dahlberg Decl., ¶¶5, Exhs. 5-8.) MTO's counsel had requested additional time to respond to the interrogatories, but no agreement was reached. Defendants' counsel had advised MTO's counsel that he would agree to four additional days on the condition that Defendants receive the same extension to respond to the First Amended Complaint, but MTO's counsel never responded to this offer. (Id., ¶10 and Exh. 10.)

MTO argues the interrogatories were timely because its counsel served responses on Friday afternoon, November 15th, by placing the responses in the mail. (Declaration of Elizabeth Zarah, ¶11.) The following days were Saturday and Sunday, and the post office postmarked the envelope on Monday, November 18th. MTO also argues that it was granted a 4 day extension in any event in email correspondence on November 7 and 22. Zarah attaches the November 7th email with some sentences highlighted, but she omits to include the last sentence from Defendants' counsel's email: "Because the discovery is usable on a demurrer or motion to strike, my agreement is subject to an equal additional enlargement of me for my clients' response to the FAC. Lmk." Ms. Zarah does not attach an email from November 22nd.

Based on the emails presented to the Court, the parties did not agree to an unconditional 4-day extension for MTO to serve responses. However, MTO's counsel states unequivocally under oath that she mailed the responses on November 15th, which was 32 days after the day the requests were emailed. (Declaration of Elizabeth Zarah filed January 31, 2025, ¶11.) Responses are deemed served the day they are put in the mail. (Code Civ. Proc. § 1013(a).) MTO's responses were therefore timely.

Discussion

The court has discretion to rule on the propriety or adequacy of amended responses served by the opposing party after a motion to compel is filed. (County of San Benito v. Superior Court (2023) 96 Cal.App.5th 243, 278.) As both MTO and Defendants have filed briefs addressing the adequacy of the February 10th amended responses, the Court will address them here.

New Objections

In its amended responses, MTO asserts four new objections that were not made in its original responses: (1) "Plaintiff objects to this request violates [sic] the court order dated October 16, 2024"; (2) "Plaintiff previously responded to these requests at the deposition of MTO's PMK on May 1, 2024 and is duplicative"; (3) "It calls for speculation when it asks certain conduct 'in reliance' which requires speculation"; and (4) "this information is equally available to Defendants". MTO waived these objections by failing to assert them in its original responses. (See Mannino v. Superior Court (1983) 142 Cal.App.3d 776, 778; Scottsdale Ins. v. Superior Ct.

(1997) 59 Cal.App.4th 263, 274.) MTO is compelled to provide further responses without these waived objections.

These objections do not allow MTO to avoid its obligation to respond in any event. First, the Court's October 16th Order allowed Defendants to conduct discovery on new factual allegations made in the First Amended Complaint. Interrogatory Nos. 22-35 focus on these allegations. Second, the fact that there may have been some deposition testimony as to specific names of students does not allow MTO to avoid its responsibility to respond to interrogatories seeking the same or similar information. A party may use different discovery methods to target the same information. (See *Carter v. Superior Court* (1990) 218 Cal. App. 3d 994, 997.) They are also not duplicative of earlier interrogatories, as they seek different information. Third, the interrogatories do not require speculation because they ask only for information in MTO's possession or information that MTO can obtain using a reasonable and good faith effort. Finally, the fact that some information may be equally available to Defendants does not preclude MTO from identifying the specific information it has in its possession to support the allegations it makes in the First Amended Complaint.

Other Objections

As the responding party, MTO has the burden of justifying the objections it makes in response to Defendants' interrogatories. (See *Williams v. Superior Court* (2017) 3 Cal.5th 531, 541.) These objections include that the term "MTO student" is not defined, the interrogatories violate the privacy of the individuals whose information is requested, and that the interrogatories are oppressive, burdensome, overbroad, seek hearsay, compound, irrelevant, unproportional, and hypothetical. MTO addresses only the definition and privacy objections. The definition objection is without merit because MTO specifically references MTO students in its First Amended Complaint. (E.g., First Amended Complaint, ¶¶8, 12, 38, 39, 57, 68.) The privacy objection is also without merit as the interrogatories do not actually seek any personal or sensitive information regarding MTO students. These interrogatories seek only information sufficient for Defendants to defend against MTO's allegations that the tombstone and/or Napa Valley representations caused MTO students to be confused about where to pay their respects.

Adequacy of MTO's substantive responses

Code of Civil Procedure Section 2030.220(c) provides: "If the responding party does not have personal knowledge sufficient to respond fully to an interrogatory, that party shall so state, but shall make a reasonable and good faith effort to obtain the information by inquiry to other natural persons or organizations, except where the information is equally available to the propounding party."

MTO's second amended responses to Nos. 22 and 25, which ask MTO to identify MTO students who visited Napa Valley in reliance on the tombstone and Napa Valley representations, state that MTO performed a diligent search and reasonable inquiry and identify one student by name: Asghar Agheli.² MTO also states that other individuals called but MTO did not record their information. These responses are incomplete because the interrogatories also require MTO to

² MTO's responses also identify its investigator.

provide an address, telephone number and email address for MTO students identified in its responses. MTO's responses to Nos. 29-31 are similarly deficient as they also do not include this information. MTO is compelled to provide further responses to Nos. 22, 25 and 29-31 which include this information.

MTO responses to Nos. 23, 24, 26 and 27 are sufficient (except as to the waived objections). MTO is required to state, in response to these interrogatories and to the extent it can, when Asghar Agheli first acted in reliance on the tombstone or Napa Valley representation (Nos. 23 and 26) and what Asghar Agheli did in reliance on the tombstone or Napa Valley representation (Nos. 24 and 27). In response to Nos. 23 and 26, respectively, MTO states that it performed a diligent search and reasonable inquiry and that that it "has no knowledge as to the date of any visit" and "does not know the date of visits to Napa Valley." In response to Nos. 24 and 27, respectively, MTO states that it performed a diligent search and reasonable inquiry and that that it "has no knowledge as to what if anything the individuals did or didn't do at the cemetery" and it "does not know what the individuals did at Napa Valley." These responses adequately answer the questions asked.

In response to No. 28, which asks MTO to identify every MTO student who purchased a grave at Napa Valley, MTO states that it has performed a diligent search and reasonable inquiry and that it "has no knowledge as to when the cemetery came into existence and is unable to speculate as to who purchased graves at Napa Valley at any time" and "refuses to speculate since MTO does not collect that information to conduct its business and does not have knowledge about private conduct." This response is evasive. MTO is compelled to provide a response either identifying MTO students who have purchased a grave at Napa Valley or stating that it does not know of any MTO students who have done so.

In response to No. 32, which asks if MTO alleges that Nahid created a "fake grave", MTO objects that this is not a new allegation and thus not allowed by the Court's Order because the original Complaint alleged a false impression created by the black granite headstone. This objection has been waived as discussed above. This objection is also based on an incorrect statement, as the First Amended Complaint alleges for the first time a "fake grave" due to the fact that the headstone or tombstone is placed on a grave that is occupied by someone other than the Former Leader. Further, the response provided by MTO does not answer the question. MTO is asked whether it alleges that Nahid created a "fake grave" as that term is defined in the First Amended Complaint (at ¶23) but MTO fails to do so. MTO is required to provide this information as well as the related information requested in Nos. 33-35.

Sanctions

Code of Civil Procedure Section 2030.300(d) provides: "The court shall impose a monetary sanction under Chapter 7 (commencing with Section 2023.010) against any party, person, or attorney who unsuccessfully makes or opposes a motion to compel a further response to interrogatories, unless it finds that the one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust."

Defendants are entitled to an award of sanctions as they were required to file a motion to compel before any amended responses were provided by MTO, and the amended responses that were

provided contain waived objections and are deficient in several respects as discussed above. MTO did not act with substantial justification and there are no other circumstances that make the imposition of sanctions unjust.

Defendants request that the Court impose sanctions against MTO in the amount of \$9,285, which represents 20.5 hours of time preparing the initial papers, 2.5 hours for a reply, 2 hours to appear before the discovery facilitator after preparing a summary letter, and one hour for the hearing, at \$450 per hour, plus a \$60 filing fee. (Dahlberg Decl., ¶19.) The amount of time spent by Defendants attempting to obtain valid responses and Defendants' counsel's hourly rate are reasonable. The Court awards the full \$9,285 requested.

All parties must comply with Marin County Superior Court Local Rules, Rule 2.10(B) to contest the tentative decision. Parties who request oral argument are required to appear in person or remotely by ZOOM. Regardless of whether a party requests oral argument in accordance with Rule 2.10(B), the prevailing party shall prepare an order consistent with the announced ruling as required by Marin County Superior Court Local Rules, Rule 2.11.

The Zoom appearance information for March, 2025 is as follows:

<https://marin-courts-ca-gov.zoomgov.com/j/1615162449?pwd=e5SqeATq2HOsxxD7Fhrl3Q7qPFgFZa.1>

Meeting ID: 161 516 2449

Passcode: 073961

If you are unable to join by video, you may join by telephone by calling (669) 254-5252 and using the above-provided passcode. Zoom appearance information may also be found on the Court's website: <https://www.marin.courts.ca.gov>

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 03/07/25 TIME: 1:30 P.M. DEPT: E CASE NO: CV0002145

PRESIDING: HON. ANDREW SWEET

REPORTER:

CLERK: G. STRATFORD

PLAINTIFF: SAN RAFAEL
PROPERTIES, LLC, A CALIFORNIA
LIMITED LIABILITY COMPANY

vs.

DEFENDANT: ZANOON, INC., A
CALIFORNIA CORPORATION

NATURE OF PROCEEDINGS: MOTION FOR SUMMARY JUDGMENT

RULING

The parties are directed to the Tentative Decision the Court posted on February 27, 2025, and the Court's minutes from February 28, 2025.

San Rafael Properties, LLC's ("Plaintiff") failed to submit the declaration discussed on February 28, 2025, at 1:30 p.m. in Department E. Nonetheless, the Court will entertain oral argument as to Plaintiff's Motion for Summary Judgment if any party complies with Local Rule 2.10B.

All parties must comply with Marin County Superior Court Local Rules, Rule 2.10(B) to contest the tentative decision. Parties who request oral argument are required to appear in person or remotely by ZOOM. Regardless of whether a party requests oral argument in accordance with Rule 2.10(B), the prevailing party shall prepare an order consistent with the announced ruling as required by Marin County Superior Court Local Rules, Rule 2.11.

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